

EXHIBIT 1

DACW35-9-23-3018

DEPARTMENT OF THE ARMY RIGHT-OF-ENTRY FOR CONSTRUCTION

Duluth Ship Canal Shoreline Protection	504 Canal Park Duluth, MN Area outlined in Yellow on Exhibit A PIN: 010-4370-00070
(Project, Installation, or Activity)	(Tract Number or Other Property Identification)

The undersigned City of Duluth, a Minnesota Municipal Corporation hereinafter called the “City,” hereby grants to the UNITED STATES OF AMERICA, hereinafter called the “Government,” a right-of-entry agreement upon the following terms and conditions:

1. The City hereby grants to the Government, its agents, and assigns an irrevocable right to enter upon the lands hereinafter described at any time from the date of signature through December 31, 2024, in order to perform construction work of any nature in conjunction with tying the Government’s shoreline protection structure into the City’s existing walkway, including the repositioning of existing stonework, lakeward of the structure.
2. The land affected by this right-of-entry agreement is located in the County of St Louis, State of Minnesota, and is described as follows: 504 Canal Park Duluth, MN, PIN: 010-4370-00070, as depicted on “Exhibit A”, outlined in yellow, which is attached hereto and incorporated by reference into this Agreement. (Hereinafter the “Land”).
3. This right-of-entry agreement includes the right of Government, its agents, and assigns, ingress and egress on other lands of the Owner not described below, provided that such ingress and egress is necessary and not otherwise conveniently available to the Government, excepting the public parking lot.
4. Storage of all tools, equipment, buildings, improvements, and other property taken upon or placed upon the land by the Government shall remain the property of the Government and shall be removed at the expiration of this right to entry. City shall not be responsible for any damage caused by third parties to tools, equipment, buildings, improvements, and other property taken upon or placed upon the Land by the Government.
5. If any action of the Government’s employees or agents in the exercise of this right-of-entry agreement results in damage to the real or personal property, the Government will repair or replace said property to its condition prior to execution of this right-of-entry agreement. The Government’s liability under this clause may not exceed appropriations available for such payment and nothing contained in this agreement may be considered as implying that Congress will, at a later date, appropriate funds sufficient to meet deficiencies. The Government’s liability for damages, claims, suits, costs, and expenses that arise from, or are due to the activities of the Government tortious acts or omissions of federal officers or employees under this Right of Entry shall be governed by the Federal Tort Claims Act, 28 USC 1346©, and other applicable federal laws.

WITNESSES MY HAND AND SEAL this _____ day of _____, 2023

CITY OF DULUTH

By _____
Mayor

Attest _____
City Clerk

Countersigned:

City Auditor

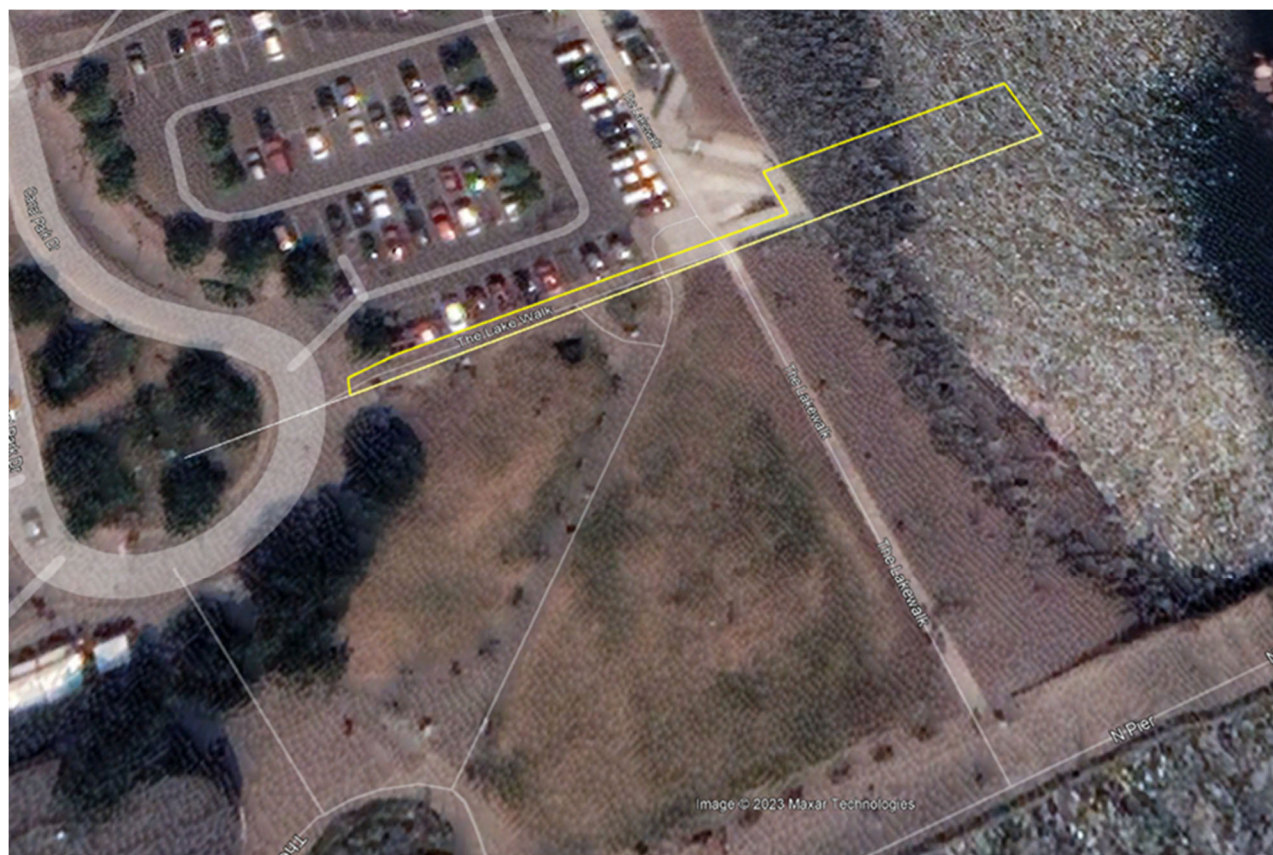
Approved as to form:

City Attorney

UNITED STATES OF AMERICA

By: _____
MICHAEL B. ROHDE
Chief, Real Estate
Real Estate Contracting Officer

Exhibit "A"
504 Canal Park Duluth, MN
PIN: 010-4370-00070
The "Land"



NOTE: THE CERTIFICATE OF AUTHORITY must be executed by an individual other than the person who signed the agreement. The individual must certify that the official who signed the agreement was authorized to act in that capacity.

CERTIFICATE OF AUTHORITY

I, _____, do hereby certify that I am the
(someone other than the person signing the agreement)

_____ of the _____
(my position of responsibility within the organization)

_____ and that _____,

who signed the agreement on behalf of the _____

was at the time of signature its _____,
(position held)

and that the person who executed the agreement on behalf of the

_____ acted within his/her statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification

this _____ day of _____, 2023.

(Signature)

(Title)